



BOARD OF APPEALS  
Diane R. Gordon, Co-Chair  
Harry Miller, Co-Chair  
Bailey S. Silbert

# *Town of Brookline*

## *Massachusetts*

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Patrick J. Ward, Secretary

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. BOA070019

Petitioner, Dimitrios Balafas (owner) applied to the Board of Appeals for zoning relief to replace an existing side addition on the same footprint and to renovate the front façade of the main building at 365 Boylston Street.

On March 22, 2007, the Board of Appeals met and determined that the properties affected were those shown on a schedule in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals and fixed April 19, 2007, at 7:00 p.m. in the Selectmen's Hearing Room on the sixth floor of the Town Hall as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioners, to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearing was published March 29 and April 5, 2007 in the Brookline Tab, a newspaper published in Brookline. Copy of said notice is as follows:

TOWN OF BROOKLINE  
MASSACHUSETTS  
BOARD OF APPEALS  
NOTICE OF HEARING

**Pursuant to M.G.L., C.39, sections 23A & 23B, the Board of Appeals will conduct a public hearing to discuss the following case:**

**Petitioner: Dimitrios Balafas**

**Location of Premises: 365 Boylston Street BRKL**

**Date of Hearing: 04/19/2007**

**Time of Hearing: 07:00 p.m.**

**Place of Hearing: Selectmen's Hearing Room, 6<sup>th</sup>. Floor**

A public hearing will be held for a special permit and/or variance from:

- 1) 4.01.3.a.b; Permitted Uses; Special Permit Required**
- 2) 4.03; Pre-Existing Special Permit Uses; Special Permit Required.**
- 3) 4.07; Table of Use Regulations; Use 21 and 31: Special Permit Required.**
- 4) 5.09.2.a; Design Review, Special Permit Required.**
- 5) 8.02.2; Alteration or Extension; Special Permit Required, of the Zoning By-Law to reconstruct and renovate the building per plans at 365 BOYLSTON STREET BRKL. Said Premise located in a L-0.5 district.**

*The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to the ADA Coordinator, Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2330; TDD (617) 730-2327.*

**Diane R. Gordon  
Harry Miller  
Bailey S. Silbert**

At the time and place specified in the notice, a public hearing was held by this Board. Present at the hearing was Chair, Diane Gordon and Board members Bailey Silbert and Harry Miller. Mr. Brian O'Donnell, AIA of Baystate Design Associates, Inc., located at 70 Tower Office Park, Woburn, MA 01801, presented the case before the Board.

Mr. O'Donnell described the locus as one of three commercial buildings, 361 and 375 being the other two, located on a common lot near the intersection of Cypress Street on the Westbound side of Boylston Street. The subject lot not only has frontage on Boylston Street but also on Brington Road to



the rear. Parking is in the rear of the building and may be accessed from both streets. The existing building is a flat roofed structure with approximately 3,258 s.f. on the main level and 2,800 s.f. of unfinished space on the lower level. There is a small gable roofed addition to the left side of the building. Mr. O'Donnell explained that the applicant wished to remove the existing side addition and rebuild it on the same footprint. The new addition would serve as an ATM and office space for the new tenant, Medical Area Federal Credit Union (MAFCU). The addition would have a flat roof with parapet similar in design to the main building. The existing loading dock to the rear will be removed and used as two additional parking spaces. Mr. O'Donnell pointed out that the pre-existing lot has a total of 31 spaces available, including the aforementioned additional two to meet the requirements of the three commercial buildings. The front of the addition would match the proposed façade of the main building, with gray granite tile and pilaster detailing at the corners. A planter would be installed to the right of the ATM entrance. The rear of the addition would have two windows. The lower level of the building may be finished off to support the credit union. The existing front façade of the main building would consist of re-facing the window base and closing-in about half of the storefront windows with gray granite tile. The right front façade would continue to be mostly glass. New storefront windows will be installed with transoms above. The façade that is not granite or glass will be painted a light gray. New gooseneck lighting fixtures will be installed above the sign band. Mr. O'Donnell described the operation as a credit union with approximately 25 employees. The hours of operation would be 8 a.m. to 4 p.m. Monday through Wednesday, 8 a.m. to 6 p.m. on Thursday, 7 a.m. to 4 p.m. on Friday and 9 a.m. to 1:30 p.m. on Saturday. Eleven of the 31 available parking spaces in the lot are dedicated to this use.

The Chair then asked whether anyone wished to speak in favor or in opposition to the petitioner's proposal. One resident inquired as to the ownership and prior use of the property. The Chair explained that it was formally a sign store, now vacant and the owner was the petitioner in this case. The potential tenant is a credit union.

Assistant Director for Regulatory Planning, Polly Selkoe, then reviewed the comments and recommendations of the Planning Board; she stated that the Planning Board is not opposed to this proposal to remove and rebuild the side addition and renovate the storefront to enable the establishment of a credit union in the building. The addition would not increase the footprint of the existing structure and would improve the overall appearance of the building. The proposal for the renovated storefront retains the building's distinguishing characteristics while creating a cohesive exterior. To ensure the building's appearance is attractive and representative of the credit union use, the design should be revised to provide additional glass storefront area on the right side of the building's front façade, and the building and addition should be painted so that the color of the pateras, pilasters and other detail do not sharply contrast with the building's general color. Additionally, a raised planter would be installed in front of and adjacent to the addition and ATM lobby to provide some green space. Ms. Selkoe described the relief required as follows:

**Section 4.01.3.a & b – Permitted Uses:** Any change of use on a lot which fronts on Boylston Street or is a non-residential use in a non-residential district with more than 20 parking spaces or 10,000 s.f. of gross floor area requires a special permit.

**Section 4.03 – Pre-existing Special Permit Uses:** Special permit required

**Section 4.07 – Table of Use Regulations – Use 21 and 31:** Special permit required

**Section 5.09.2.a – Design Review**

External alterations and additions, including demolitions, to existing structures that front on Boylston Street require a special permit subject to the design review standards listed under *Section 5.09.4(a-l)*. The most relevant sections are described below:



- b. *Relation of Buildings to Environment:* The proposed addition will have the same footprint as the existing addition, therefore the building's existing relationship with other structures will not be substantially altered. Though the roof height of the addition will be higher than the currently existing addition, the modest increase in height is buffered by the substantial parking lot to the rear.
- g. *Advertising Features:* The proposed signage for the credit union is clear and attractively designed, and should not detract from neighboring properties. The proposed lighting for the sign is with external gooseneck fixtures finished to match the storefront's colors. The applicant should consider lowering the lighting fixtures so that they align with the façade's patera details in order to provide adequate lighting for the sign.
- i. *Safety and Security:* The proposal involves installing small external lighting fixtures on the front and side façades of the side addition in order to improve the safety of the ATM lobby.
- j. *Heritage:* The applicant has attempted to maintain the building's architectural detail and trim with this proposal. The applicant's original proposal involved a long awning that concealed much of the building's detail, and based on comments from Town Staff, the applicant has revised the proposal so that the building's architectural features are retained.

**Section 8.02.2 – Alteration or Extension:** A special permit is required to alter pre-existing non-conforming structures.

Therefore, the Planning Board recommends approval of the proposal and the plans, titled "Medical Area Federal Credit Union, 365 Boylston Street" and last dated 3/21/07, including the existing and proposed building elevations dated 3/15/07, the upper level floor plan dated 3/02/07, and the site plan and lower floor plan dated 2/06/07, subject to the following conditions:

1. **Prior to the issuance of a building permit, final revised elevations indicating signage, lighting, color and landscaping details shall be submitted to the Assistant Director for Regulatory Planning for review and approval.**
2. **Prior to the issuance of a building permit, the applicant shall submit to the Zoning Administrator for review and approval for conformance to the Board of Appeals decision: 1) final elevations, stamped and signed by a registered architect, indicating signage, lighting and landscaping details, and 2) evidence the Board of Appeals decision has been recorded at the Registry of Deeds.**

The Chair then called upon Frank Hitchcock of the Building Department for his comments. Mr. Hitchcock described the site and proposed use. He stated that all the relief could be granted by special permit. He stated that two uses were planned for the property, an office, use 21 and a bank, use 31. Mr. Hitchcock stated that special permits were required under **sections 4.01, 4.03, 4.07, 5.09 and 8.02.2** of the bylaw and that the Building Department had no objection to the project, the relief required or to the conditions proposed by the Planning Board.

The Chair then expressed concern over the availability of parking spaces for employees and patrons of the Credit Union. She stated that given the number of employees, twenty-five, all the spaces could easily be occupied with none left for patrons. The Credit Union's Attorney, James Caramanica of Carleen & Caramanica, located at 92 Montvale Avenue, Suite 4170, Stoneham, MA, stated that two spaces would be earmarked for employees and the rest available for customers of the Credit Union. The Chair stated that although the parking may have been adequate for the prior use, appliances, it may not be adequate for the quick in and out use of a bank. Mr. O'Donnell stated that they expect most of their traffic from the neighborhood and they did not think parking would be a problem. The Chair stated that the Credit Union given its proximity should implement an employee T-pass program to assure adequate parking for patrons.

The Board, having deliberated on this matter and having considered the foregoing testimony, concludes that it is desirable to grant Special Permits under **Sections 4.01, 4.03, 4.07, 5.09 and 8.02.2** of the Zoning Bylaw and makes the following findings pursuant to **Section 9.05**:

- a. The specific site is an appropriate location for such a use, structure, or condition.
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.



- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- e. The development as proposed will not have a significant adverse effect on the supply of housing available for low and moderate income people.

Therefore, the Board voted unanimously to grant all the Special Permit relief with the following conditions:

- 1 Prior to the issuance of a building permit, final revised elevations indicating signage, lighting, color and landscaping details shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
- 2 The Credit Union Management shall implement an employee T-pass program where the management subsidizes 100% the cost of monthly subway and bus T-passes for all of its employees that work at the facility subject to this special permit.
- 3 Prior to the issuance of a building permit, the applicant shall submit to the Zoning Administrator for review and approval for conformance to the Board of Appeals decision: 1) final elevations, stamped and signed by a registered architect, indicating signage, lighting and landscaping details, and 2) evidence of the T-pass program and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

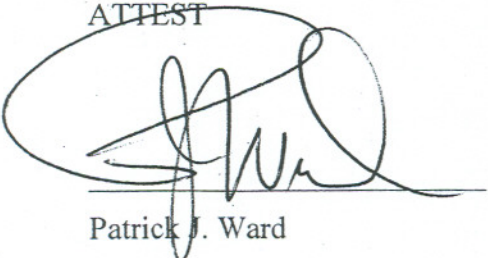
Unanimous Decision of  
The Board of Appeals

Filing Date: April 26, 2007

  
Diane R. Gordon

A True Copy:

ATTEST

  
Patrick J. Ward

Clerk, Board of Appeals